

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARBARA CAMPBELL, MARLENE GATHERS,
and PHILLIP SCOTT,

Plaintiffs,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 111612
DATE FILED: 11/16/12

- against -

ORDER

THE BANK OF NEW YORK TRUST COMPANY, N.A.,
Successor to JPMORGAN CHASE BANK, N.A., as Trustee,
GMAC MORTGAGE, LLC, MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., and RAMP
SERIES 2005-RZ3 TRUST,

11-CV-01588 (CS)

Defendants.

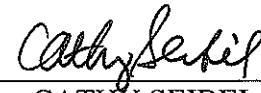
-----x

Seibel, J.

At a conference before this Court on November 9, 2012, all of the federal claims in Plaintiffs' second amended complaint were dismissed with prejudice. Although Plaintiffs were granted leave to amend the complaint by November 14, 2012 to allege a possible basis of diversity jurisdiction pursuant to 28 U.S.C. § 1332, Plaintiffs have failed to do so. As here, “[w]hen the balance of these factors indicates that a case properly belongs in state court, as when the federal-law claims have dropped out of the lawsuit in its early stages and only state-law claims remain, the federal court should decline the exercise of jurisdiction by dismissing the case without prejudice.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988) (footnote omitted). It is appropriate to decline to exercise supplemental jurisdiction when the federal claims are dismissed any time before trial, *see Kolari v. N.Y.-Presbyterian Hosp.*, 455 F.3d 118, 122 (2d Cir. 2006), and this Court routinely does so. Thus, Plaintiffs' remaining state law claims are dismissed without prejudice, and the Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: November 16, 2012
White Plains, New York



CATHY SEIBEL, U.S.D.J.